

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-31190-2016
Date of decision :20.07.2017**

Vikram Kaushal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Rajan Bansal, Advocate for
Mr. Ashish Gupta, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Karanveer Nanda, Advocate
for respondent No.2.

H.S. MADAAN, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.85 dated 30.09.2014 under Sections 406 and 420 IPC registered at Police Station Naya Gaon, District SAS Nagar (Mohali) on the basis of compromise.

When the petition came up for hearing, notice of motion was ordered to be issued. Ms. Meenu, Advocate has put in appearance on behalf of the complainant, who was arrayed as respondent No.2 in the petition.

Since it was contended that parties had effected compromise, they were directed to put appearance before the Illaqa Magistrate, SAS Nagar (Mohali) so as to get their statements recorded and Illaqa Magistrate was required to make report as to its satisfaction and then send it back to this Court informing if any of the parties to this petition has been declared proclaimed offender. Accordingly, report from JMIC, Kharar has been received, in which, it is contended that complainant-Vivek Goyal and accused-Vikram Kaushal had appeared in her Court and their statements were recorded. She has reported that in view of the statements suffered by the parties, she is of the view that parties have arrived at compromise voluntarily. Copies of statements of complainant and accused have been annexed with the report.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest*

hour of justice”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

20.07.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**